THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE P.SWAROOP REDDY

TAKEN UP WRIT PETITION NO.11760 OF 2006

Dated: 22nd June, 2006

Between:

Konne Balamani

… Petitioner

and

1. The Station House Officer, IV Town Police Station, Nizamabad, Nizamabad District and another

… Respondents

THE HON'BLE SRI JUSTICE D.S.R.VARMA
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ORAL ORDER: **(per the Hon'ble Sri Justice D.S.R.Varma)**

This Writ Petition is taken up basing on a fax message, dated 08-06-2006, issued by one Konne Balamani, wife of late Sathaiah, resident of Madhavanagar Village, Nizamabad Mandal and District, stating that her son, by name Konne Sanjeev, was illegally taken away by the Police of IV Town Police Station, Nizamabad, from the house of Sri D.Sanjay, Mayor of Nizamabad, where he was allegedly working.

2. In response to the notices issued by this Court, M.A.Javeed, Station House Officer, IV Town Police Station, Nizamabad, filed a counter-affidavit stating that the detenu is not involved in any case pending with the said Police Station and accordingly, the question of detention of the alleged detenu does not arise either on 04-06-2006 or subsequently. An enquiry also was caused and it was found that the detenu was freely moving at his place of residence i.e., Madhavanagar, Nizamabad. In order to testify the said fact, a request was made to the Mandal Executive Magistrate-cum-Mandal Revenue Officer, Nizamabad, to cause enquiry about the alleged detenue. Later, the Mandal Executive Magistrate secured the presence of the alleged detenu through the Village Secretary on 20-06-2006, enquired the alleged detenue and recorded his statement. The alleged detenu stated that he is a resident of Madhavanagar and was working with Mr. D.Sanjay, who was Mayor of Nizamabad, and because of the death of the dog of his master, he was under apprehension that he would be arrested and therefore, due to fear, he left the house on 04-06-2006 without informing anyone and that the Police did not detain him and he has been moving freely. It is further stated that pursuant to the death of the dog of Mr. D.Sanjay, due to food poisoning, the same was reported to the Police on 06-06-2006 at

9.30 p.m., and the same was registered as Crime No.84 of 2006 under Sections 120B and 307 I.P.C., and the Police were making discrete enquiries in that regard and no person was apprehended so far in connection with the above case. However, it is further stated that no material is available so far regarding the involvement of the alleged detenu in the said case.

3. In view of the said facts stated by the Station House Officer, IV Town Police Station, Nizamabad, we do not find any cause to interfere.

4. Accordingly, the Writ Petition is closed at the stage of admission.

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D.S.R.VARMA, J

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P.SWAROOP REDDY, J

22nd June, 2006.

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